

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA	)	
	)	
	)	
v.	)	Case no. 1:14-CR-306-GBL - 8
	)	
	)	
MANUEL E. PAIZ GUEVARA	)	

BRADY V. MARYLAND MOTION – STATEMENTS OR EVIDENCE  
OF COERCION OR DURESS AGAINST CO-DEFENDANTS OR ACTORS  
MOTION SUMMARY – EVIDENCE OF COERCION

The defendant seeks, as information which could tend to negate the guilt of the defendant, mitigate his punishment or impeach a government witness, for the tender of any information in possession of the United States or other law enforcement agencies information or statements which indicate actors involved in the offenses were coerced or threatened to gain compliance.

Specifically, it has come to the attention of the defendant that a person, not charged, stated he was present and participated in the killing or the disposal of the remains in a homicide case, was coerced and threatened with death if that actor did not engage in certain acts of violence.

Such information is evidence of duress and, if proven, could corroborate statements of other defendants and negate the guilt, mitigate the punishment of that person or impeach any evidence of the defendant's willing participation in the offenses.

### MOTION

COMES NOW, MANUEL E. PAIZ GUEVARA, by and through counsel, and files this, his Brady v. Maryland material, specifically, any information or statements obtained by the United States Attorney or any law enforcement agency, state or federal, engaged in the investigation of the allegations contained in the indictment. The motion is made pursuant to the United States Constitution, specifically the due process clause, and the opinions in Brady v. Maryland and Kyles v. Whitley. In support of the motion the defendant would allege and prove the following:

1. The defendant has a constitutional right to any information contained or found within the possession of the United States or law enforcement agencies involved and participating with the United States in the investigation, preparation or presentation of the evidence against the defendant which (1) tends to negate the guilt of the accused, (2) mitigates the defendant's punishment or, (3) which could impeach a government witness.

2. That evidence of duress or coercion exercised against the defendant to would negate the defendant's guilt and mitigate his punishment, as duress is always a potential sentencing guideline factor.
3. The information requested, for immediate tender is:
  - a. All FBI 302s or similar state or federal investigatory notes, prepared in connection with the investigation of this matter, wherein witnesses have stated or indicated threats or indirect intimidation to secure their participation or attendance unlawful activities.
  - b. All other law enforcement information or reports involving other Central American, Hispanic or Latino gangs, in addition to MS13, the gang alleged to have been involved in the instant conspiracy, wherein a practice or pattern of threats, intimidation or duress was used to secure the participation in illegal activity on behalf of or in furtherance of gang objectives. This request is further supported by the opinion in *Kyles v. Whitley*, 514 U.S. 419 (1995), and requests the law enforcement agencies involved in this investigation contact the gang oriented units in their respective agencies for such information. Such information tendered may be redacted of source identifying, pending further order of this court.

WHEREFORE, premises considered, defendant prays that the above and foregoing motion be, in all things, granted.

Respectfully submitted,

**MANUAL ERNESTO PAIZ GUEVARA**

By: \_\_\_\_\_(s)\_\_\_\_\_

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### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on September \_\_\_\_\_, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will then send electronic notification of such filing (NEF) to all counsel on the case.

\_\_\_\_\_/S/\_\_\_\_\_

David P. Baugh, Esq.

Attorney for Defendant

Manuel E. Paiz Guevara